

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CRYOLIFE, INC.,)
Plaintiff,)
v.) C.A. No. 14-559 (SLR)
C.R. BARD, INC., DAVOL, INC. and)
MEDAFOR, INC.,)
Defendants.)

[PROPOSED] ORDER ON PRELIMINARY INJUNCTION

In accordance with and for the reasons stated in the Court's Memorandum Order of March 10, 2015 (D.I. 116), Medafor, Inc.'s Motion for Preliminary Injunction (D.I. 40) having been granted;

IT IS HEREBY ORDERED THAT:

Except as provided in 35 U.S.C. § 271(e)(1), CryoLife, Inc., and its successors-in-interest, officers, agents, servants, employees and attorneys, and those persons in active concert or participation with them who receive actual notice of this Order by personal service or otherwise, are hereby enjoined from using, offering to sell, selling, marketing, or distributing any PerClot product in the United States.

Pursuant to Federal Rule of Civil Procedure 65(c), this Court orders that if this Court or another court of competent jurisdiction finds this preliminary injunction wrongfully enjoined CryoLife, Medafor shall pay CryoLife \$100,000 within ten (10) days of the order vacating or reversing this injunction. Medafor represents that it is able to pay this amount of money if the condition above is met, and CryoLife agrees with that representation. This Court finds, and all parties stipulate, that the requirements of this paragraph are proper and adequate security for this injunction pursuant to Federal Rule of Civil Procedure 65(c).

This injunction shall remain in full force and effect until the earliest of: any further orders of this Court; or further order of the United States Court of Appeals for the Federal Circuit to which an appeal or other relief from the injunction may be taken, vacating, staying, modifying, or otherwise altering this injunction.

Dated at Wilmington, Delaware this _____ day of March, 2015.

Honorable Sue L. Robinson
United States District Judge